

Upon careful review of the record, the court finds that there are multiple issues of material fact which preclude summary judgment including: (1) whether plaintiff is entitled to overtime compensation under the FLSA; (2) whether defendant retaliated against plaintiff for engaging in protected activity under the FLSA; and (3) whether defendant's

stated reasons for not renewing plaintiff's employment were a pretext for retaliation for plaintiff's protected activity under the FLSA.

In her response to defendant's summary judgment motion, plaintiff states that after completion of discovery and further investigation, she does not object to defendant's motion to dismiss her state law claims for wrongful termination, breach of contract, and failure to provide notice of charges and a hearing prior to her termination.

Accordingly, Union County Board of Education's motion for summary judgment [Docs. 19, 24] is hereby **GRANT IN PART AND DENIED IN PART**. The motion is **GRANTED** as to plaintiff's state law claims for wrongful termination, breach of contract and failure to provide notice of charges and a hearing prior to her termination; the motion is **DENIED** as to plaintiff's claims under the FLSA. The parties will prepare this case for trial.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips

United States District Judge